

From: E. Tomchin
To: Microsoft ATR
Date: 1/25/02 2:06pm
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Washington, DC 20530-0001

Dear Ms. Hesse,

After reviewing the Microsoft settlement documents it is my considered opinion that the proposed settlement not only does not prevent Microsoft from continuing in their heavy-handed and competition-strangling behavior, but it completely fails to address one of the worst offenses Microsoft has committed to date: to wit, the inauguration of Microsoft's new XP operating system with its Windows Product Activation (WPA) function.

WPA appears fraudulent and monopolizing in that if a consumer fails to get Microsoft's permission to activate the operating system, which arguably is their right, it prevents that consumer from accessing their own personal and private files on that computer and permanently locks that consumer out of their own computer. This simple fact seems prima facie evidence that Microsoft has not only failed to adhere to the spirit of the settlement agreement, but has taken their heavy-handed monopoly to new heights.

Further, Microsoft has announced that it soon will cease all support of earlier operating systems, including Windows 95, Windows 98, Windows ME and Windows 2000. This appears to be a monopolizing move that is designed to force people to abandon any earlier operating system they may own and choose to keep and force them to purchase XP.

This cessation of support for earlier Microsoft operating systems would not be that heavy-handed and monopolizing if Microsoft would allow the downloading of all necessary security patches and Service Packs so that a user may bring those operating systems up to secure functionality when the operating system needs reinstalling, which it quite frequently does due to numerous bugs and defects in the original product.

Overall, it appears that Microsoft is being allowed to continue to control and interfere with a consumer's right to maintain an operating system they have purchased from Microsoft. The settlement does not address any of the issues I have put forth above.

Thank you for the opportunity to address these issues.

Sincerely,

Edward A. Tomchin
P. O. Box 10009
Golden Valley, AZ 86413
eat59@iname.com